

9-35. Issuance of Administrative Orders Under Section 1423(c) (1200 350 TN 9-35)

1. AUTHORITY. Pursuant to Section 1423(c) of the Safe Drinking Water Act (SDWA), the authority to:

- a. Conduct hearings and perform related duties following issuance of proposed administrative orders;
- b. Issue subpoenas;
- c. Negotiate consent agreements between the Agency and respondents;
- d. Sign consent agreements between the Agency and respondents;
- e. Issue orders after hearings have been requested; and
- f. Withdraw or amend orders after hearings have been requested.

2. TO WHOM DELEGATED.

- a. The Regional Judicial and Presiding Officer is delegated authorities 1.a. and 1.b.
- b. The Director, Enforcement and Compliance Assurance Division (ECAD) is delegated the authorities in 1.c. and 1.d.
- c. The Chief, Water Branch, ECAD; and Chief, SDWA and Wetlands Section, ECAD are delegated authority 1.c.

3. LIMITATIONS.

- a. Only the Regional Administrator may exercise authorities 1.e. and 1.f.
- b. The delegates must obtain the concurrence of the Regional Counsel or his/her designee prior to exercising the authorities in 1.b and 1.d.

9-35. Issuance of Administrative Orders Under Section 1423(c) (continued)**4. REDELEGATION AUTHORITY.**

- a. This authority may not be redelegated without formal amendment.
- b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.

5. ADDITIONAL REFERENCES.

- a. Guidance on Headquarters Involvement in the Issuances by Regions of the First Proposed and Final Administrative Orders.
- b. Section 1423(c)(3)(A) and (B) of the SDWA.
- c. Section 1423(c)(7) and (8) of the SDWA.
- d. 40 CFR Parts 144, 146 and 147.
- e. Guidance on UIC Administrative Order Procedures.

6. SUPERSESSION. Delegations Manual, SDWA, Regional Delegation 9-35. Issuance of Administrative Orders Under Section 1423(c), 1200 TN RIII 156 (June 21, 2004).

Date: APR 15 2019


Cosmo Servidio
Regional Administrator